

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN RAGLAND, #191565,

Plaintiff,

CIVIL ACTION NO. 08-15253

v.

DISTRICT JUDGE AVERN COHN

JASON SCHNIEDER,

MAGISTRATE JUDGE MARK A. RANDON

Defendant.

**REPORT AND RECOMMENDATION TO DENY PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION (DKT. NO. 144)**

This matter is before the Court on Plaintiff's motion for a temporary restraining order or preliminary injunction (Dkt. No. 144).

Plaintiff is no longer being housed at the Newberry Correctional Facility (Dkt. No. 147, Pl. Change of address), where he alleges the law library did not possess a number of case law reporters or was missing certain volumes of the reporters. Therefore, because Plaintiff's transfer to another facility renders his claims for injunctive relief moot, *see Kenseu v. Haigh*, 87 F.3d 172, 175 (6th Cir. 1996), IT IS RECOMMENDED that the motion be DENIED.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues,

but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *See Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this magistrate judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: December 6, 2012

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, December 6, 2012, by electronic and/or first class U.S. mail.

s/Melody R. Miles
Case Manager to Magistrate Judge Mark A. Randon